



# CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL (617) 349-6140 • FAX (617) 349-6148


RICHARD V. SCALI  
Chairman

CHIEF GERALD R. REARDON  
Fire Department  
Commission Member

COMMISSIONER ROBERT C. HAAS  
Police Department  
Commission Member

ELIZABETH Y. LINT  
Executive Officer

To: Robert W. Healy, City Manager

From: Elizabeth Y. Lint 

RE: Day & Knight Transportation

Date: May 19, 2009

On May 12, 2009 the Board of License Commissioners voted 3-0 in favor of recommending approval to the City Manager for the City Council regarding the application for a Jitney license by Day & Knight Transportation. They plan to operate three (3) Econoline vans to shuttle passengers from the Logan Airport to Cambridge hotels only (please see attached decision letter).



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Executive Officer

May 13, 2009

Ahmed Gouda  
Day & Knight Transportation  
315 Sargent Street, Suite 49  
Revere, MA 02151

RE: Application for a Jitney license  
Day & Knight Transportation, Inc.

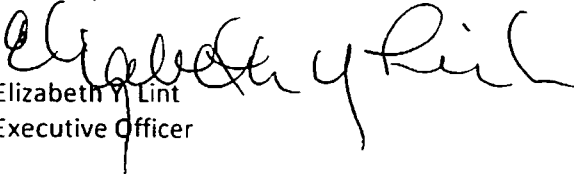
Dear Mr. Gouda:

On May 12, 2009 the Board of License Commissioners voted 3-0 to recommend approval to the City Manager for the City Council.

Day & Knight Transportation will be operating three (3) Econoline vans from 10:15a.m. to 12:30a.m. seven days per week. The Commissioners noted the Day & Knight Transportation is being sensitive to the taxi industry as they only pick up at the airport and drop off in the city. Cambridge cabs cannot pick up at the airport so they are not affected by this service.

Please be sure to attend the City Council hearing on June 1, 2009.

Sincerely,

  
Elizabeth Y. Lint  
Executive Officer

EYL/co

Cc: Richard Scali, Chairman; Chief Gerald Reardon; Commissioner Robert Haas; Deputy Chief Dan Turner.



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Police Department  
Commission Member

ELIZABETH Y. LINT  
Executive Officer

April 24, 2009

Paul Lees  
Day & Knight Transportation  
315 Sargent Street, Suite 49  
Revere, MA 02151

RE: Application for a Jitney license  
Day & Knight Transportation, Inc.

Dear Mr. Lees,

The hearing on your application for a Jitney license will be heard by the Board of License Commissioners on Tuesday evening, May 12, 2009 at six o'clock in the Michael J. Lombardi Municipal Building, Basement Conference Room, 831 Massachusetts Avenue.

Please be sure to attend the hearing.

Sincerely,

  
Elizabeth Y. Lint  
Executive Officer

EYL/co

Cc: Richard Scali, Chairman; Chief Gerald Reardon; Commissioner Robert Haas; Deputy Chief Dan Turner.

# Day and Knight Transportation Inc.

To: Cambridge License  
Commission  
From: Paul Lees GM  
D&K Transportation  
Subject: Jitney Application

Day and Knight Transportation Inc. is Owned by Ahmed Gouda with the Mailing address of 315 Sargent street Revere Ma Suite 49,02151 The company Phone Number is 617-771-2497 The garaging place is 759 Chief Justice Cushing Hywy Suite 271 Cohasset Mass 02025 We will be running two eleven passenger vans from Logan airport and shuttle them to the various hotels in Cambridge. the names of the two drivers are Ahmed Gouda and Paul Lees. We will be starting at 7 am and running to 2 am. Seven days a week. Thank You and Best Wishes.

Paul Lees  
GMDKT



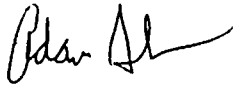
**CITY OF CAMBRIDGE**  
**Traffic, Parking and Transportation**  
344 Broadway  
Cambridge, Massachusetts 02139

[www.cambridgema.gov/traffic](http://www.cambridgema.gov/traffic)

Susan E. Clippinger, Director  
Brad Gerratt, Deputy Director

Phone: (617) 349-4700  
Fax: (617) 349-4747

**MEMORANDUM**

**To:** Elizabeth Lint, License Commission  
**From:** Adam Shulman, Transportation Planner   
**Date:** October 3, 2008  
**Re:** Day & Knight Transportation

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The Cambridge Traffic, Parking and Transportation (T,P&T) Department received a request from Paul Lees on behalf of Ahmed Gouda, to operate a shuttle service on two (2) routes from Logan Airport to hotels in Cambridge, under the name of Day & Knight Transportation Inc.

Day & Knight Transportation Inc. will operate two (3) vans, which can accommodate 12 people (11 passengers and 1 driver). The shuttle service will pick-up passengers at Logan Airport and drop-off at Cambridge Hotels. Shuttle service will run from 6 AM to 1 AM daily about every half an hour. Vans would be labeled "Day & Knight Transportation, Cambridge Hotels". All stops in Cambridge will be on private property.

The two (2) proposed routes, which TP&T approve, are attached.

The T,P&T Department approves these routes with the following conditions:

- Approval should only be given pending Department of Conservation and Recreation (DCR) approval as well, because much of the routing is on Memorial Drive, which is owned by DCR.
- No operations should occur on narrow residential streets that do not serve any hotels.
- This Department should approve any routing changes to this service.
- No illegal u-turns shall be done.
- Changing of directions should be conducted as indicated on the routing plan.
- No layover on public roads.

If you have any questions, please contact me at 617-349-4745.

# DAY & KNIGHT

## TRANSPORTATION CAMBRIDGE ROUTES (2)

All stops are underlined and numbered

- Enter Cambridge Via Massachusetts Ave Bridge
- Take a left onto Memorial Drive
- Follow to Amesbury Street take a right
- And a left into Hyatt Regency 1
- Leave take a left on to Amesbury and right on Memorial Drive
- Follow to Pleasant st. Take a right
- Pull in to the Marriott Courtyard 2
- Leave taking a left onto Pleasant and a right on Memorial Drive
- Follow to J.F.K. Street Take a right
- Follow to second set of lights take a right on MT Auburn Street
- Follow to Intersection of Mass Ave and MT Auburn street
- U turn onto Mass Ave
- 100 yards take a right in to the Inn At Harvard 3
- Leave Take a right on mass Ave
- Follow through Harvard Sq. Staying Right
- Under Bridge onto Cambridge Street
- Take a left on summer and a right on Irving Ter.
- Take a right on Irving Street pull in to the Irving House 4
- Leave Take a left on to Irving Street
- Take a Right on Cambridge Street
- Merge onto Mass Ave
- Follow to Sheppard Street take a left
- Follow to end take a left on Garden Street
- Follow past Concord Street band pull up in from of the Sheraton Commander 5
- Leave Follow Garden St. to Mass Ave take a right
- Stay right on Brattle Street
- Follow to Benet St. take a right.
- Take a left in to the Charles Hotel 6
- Leave take a left on Benet and a right on University Rd
- Take a right on MT Auburn
- Follow to end and take be right into The Harvard Square Hotel 7
- Leave take a right on Mt Auburn and a right on Eliot street
- Follow To J.F.K. Street make a right

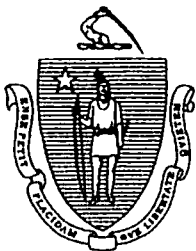
# DAY & KNIGHT

## TRANSPORTATION

### CAMBRIDGE ROUTES NO.(1)

All Stops Are Underlined And Numbered

- Enter Cambridge on Monsignor O'Brien Hwy
- Stop one Hampton Inn (1)
- Make a U turn at twin city Mall
- Follow east Stop at Holiday Inn (2)
- Leave take a left on Gore Rd and Right on Monsignor O'Brien Hwy
- Follow to Edwin H. Land Blvd take a right
- Pull in to the Hotel Marlow (3)
- Leave on to E.L.B
- Take a left in to The Royal Sonesta (4)
- Leave go straight on on to Cambridge side Pl
- Take a left on 1st Street and a right on Binney St
- Binney St. turns in to Galileo Galilei Way
- Follow to Broadway take a left
- Pull in to the Marriott Residence Inn (5)
- Leave back on to Broadway
- Follow to the Marriott Hotel (6)
- Leave take right on Broadway and a right to U turn on Main St.
- Follow Main St. to Columbia Take a left
- Take a left on Massachusetts Ave And a right on Sidney St.
- Take a left on Green St. and pull into the La Meridian Hotel (7)
- Leave take a right on Green St. and a left on Lansdowne St.
- Follow to Mass. Ave Take a right
- Follow to Vassar St. Take a right
- Follow to Amesbury St. Take a left
- Pull into Hyatt Hotel (8)
- Leave onto Amesbury and left onto Memorial Drive
- Follow to Edwin H. Land Blvd
- Follow to Monsignor O'Brien Hwy
- Take a right and Leave Cambridge.



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

William Francis Galvin  
Secretary of the  
Commonwealth

August 1, 2008

TO WHOM IT MAY CONCERN:

I hereby certify that

**DAY AND KNIGHT TRANSPORTATION INC.**

appears by the records of this office to have been incorporated under the General Laws of this Commonwealth on **July 31, 2008**.

I also certify that so far as appears of record here, said corporation still has legal existence.

In testimony of which,

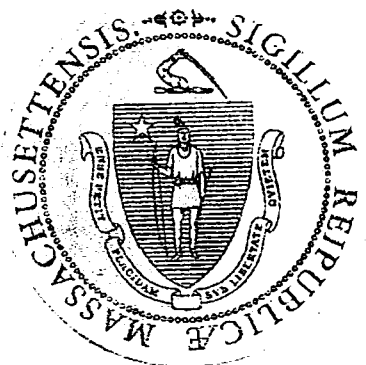
I have hereunto affixed the

Great Seal of the Commonwealth

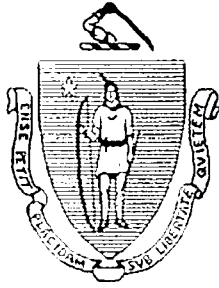
on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth







# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

**POSTED**  
2-24-09

D.P.U. 08-RB-460

Petition of Ahmed Gouda d/b/a DAY & KNIGHT TRANSPORTATION, requesting that the Department of Public Utilities (1) act as the licensing authority and issue it an amended municipal street license for a specified route in the City of Cambridge, Massachusetts, pursuant to G.L. c. 159A, § 1; and (2) amend its certificate of public convenience and necessity no. 08-RB-446 for the operation of a hotel shuttle service over specified routes between Logan International Airport and the City of Cambridge, Massachusetts, by adding additional routes within the City of Cambridge, pursuant to G.L. c. 159A, § 7.

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APPEARANCES: X Ahmed Gouda  
759 Chief Justice Highway  
Cohasset, Massachusetts 02025

FOR: DAY & KNIGHT TRANSPORTATION  
PRO SE  
Petitioner

Paul S. Kawai, Assistant City Solicitor  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge, Massachusetts 02139  
Intervenor

## I. INTRODUCTION

On November 21, 2008, Ahmed Gouda d/b/a DAY & KNIGHT TRANSPORTATION ("Company" or "Petitioner") filed a petition with the Department of Public Utilities ("Department"), relative to its hotel shuttle service between Logan International Airport ("Logan") and the City of Cambridge ("Cambridge"), pursuant to the provisions of G.L. c. 159A, § 7, requesting that the Department amend the Petitioner's certificate of public convenience and necessity No. 08-RB-446 by including additional specified routes over certain public ways within the City of Cambridge. In its petition, the Company also asked that the Department act as the licensing authority and issue it a License for an amended specified route in Cambridge, pursuant to G.L. c. 159A, § 1. The Petitioner's CPCN No. 08-RB-446 authorizes it to operate a hotel shuttle service over specified routes between Logan International Airport and the City of Cambridge, Massachusetts, including certain ways under the jurisdiction of the Department of Conservation and Recreation and the Massachusetts Turnpike Authority. See Day & Knight Transportation D.P.U. 08-RB-446 (2008).

Because a License request and an amended CPCN request involve common questions of law and fact, the Department, pursuant to 220 C.M.R. § 1.09, accepted the Company's requests as one petition. See Boston Duck Tours, D.P.U. 93-213 (1994); Braintree Best Taxi, Inc., D.P.U. 91-203/209 (1992); Vincent A. Irvin, Jr., d/b/a My Bus Company, D.P.U. 91-73/81 (1991). The Company's petition was docketed as D.P.U. 08-RB-460.

On January 12, 2009, the City of Cambridge ("Cambridge" and/or "Intervenor") filed a Motion for Leave to Intervene and to Dismiss and/or Remand to the City of Cambridge

License Commission. Cambridge based their motion upon the fact that the Petitioner circumvented the local licensing authority by failing to apply to the local licensing authority and follow the proper procedural steps with the City of Cambridge.

## II. PROCEDURAL HISTORY

Upon notice duly issued, the Department held a public hearing at Boston, Massachusetts regarding this matter on January 20, 2009. The City of Cambridge, represented by Paul S. Kawai, Assistant City Solicitor, appeared at the hearing seeking intervention. The Petitioner objected to the intervention of the City of Cambridge, however, the Hearing Officer allowed the City's intervention, for the purpose of providing oral testimony and to cross-examine the witnesses of the Petitioner, pursuant to the provisions of 220 C.M.R. § 1.03(1)(e)<sup>1</sup>.

Ahmed Gouda, owner of DAY & KNIGHT TRANSPORTATION, and Paul G. Lees, general manager for the Petitioner, testified in support of the petition. Paul S. Kawai, testified on behalf of the City of Cambridge, in opposition to the petition. The Company submitted as part of its original petition, a Memorandum, dated September 16, 2008, from an Adam

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<sup>1</sup>

**220 C.M.R. § 1.03(1)(e) Action on Petitions.**

The...presiding officer, ...may grant leave to intervene...or may allow a person who is not a party to make limited appearance by making an oral or written statement...or by such other participation...as the presiding officer may determine. Such grant may be conditioned on such terms...as the presiding officer may direct. No grant of such leave...shall be deemed to constitute an expression by the Department that the person allowed to participate is a party in interest, who may be aggrieved by any final decision, order or ruling, unless the grant explicitly so states.

Shulman, Transportation Planner of the City of Cambridge's Traffic, Parking and Transportation Department to Elizabeth Lint, License Commission, City of Cambridge, recommending approval of the requested license for DAY & KNIGHT TRANSPORTATION, with certain stipulations.

The Transportation Oversight Division of the Department has historically allowed applications to proceed through the hearing process. In D.P.U. 94-154, the Department on its own motion, delegated to the Director of the Transportation Division (now entitled Transportation Oversight Division), the performance of certain functions relating to the administration and enforcement of the provisions of G.L. c. 159A, and G.L. c. 160. The Department concluded that assigning and granting routine petitions and requests to the Director of the Transportation Division can actually expedite the processing of petitions and requests and increase the efficiency of the service to the passenger carrier industry. The due process of all interested parties and potential parties continue to be safeguarded by notice, hearing, and consideration and by the opportunity to appeal to the Commission itself for review of the Director's disposition.

The Department finds that it would not be necessary to dismiss the Petitioner's application in its entirety, as requested by Cambridge's Motion to Dismiss, but rather note that a statement by the Department in this Final Order is indeed sufficient to address the concerns of the City of Cambridge.

### III. STANDARD OF REVIEW

General Laws c. 159A, § 7, provides that the Department may amend a CPCN if it finds, after notice and hearing, that public convenience and necessity require the proposed amended service, the service is in the public interest, and the petitioner is fit, willing, and able to operate the proposed service properly. Deacon Transportation, Inc. v. Department of Public Utilities, 388 Mass. 390 (1983); Boston-Cambridge Trolley Tours, Inc. d/b/a Boston Trolley Tours, D.P.U. 88-93 (1988); Boston Doubledeckers, Inc., D.P.U. 84-269 (1985). Because motor vehicle service under authority granted by a CPCN operates over a specified route, the granting of an amendment to a CPCN by the Department is conditioned on the petitioner being the holder of a License issued pursuant to G.L. c. 159A, § 1, which authorizes travel through each municipality and jurisdiction on the petitioner's specified route.

General Laws c. 159A, § 1, provides that if a municipality or jurisdiction has denied an application for a License or has taken no action on the application for the License within 60 days allowed by the statute, the petitioner may appeal to the Department, within five days of the expiration of the 60 days, to act as the licensing authority for the municipality or jurisdiction and to issue the License. General Laws c. 159A, § 1, does not specify a standard to be applied to an appeal to act as the licensing authority. In the absence of a standard, because the License is a condition of the granting of the CPCN, the Department applies the same standards to the appeal for the License as it applies to the granting of the CPCN. City of Worcester v. Department of Public Utilities, 391 Mass. 1007 (1984).

The Department takes into account and balances a broad range of factors including all aspects of general public interest as well as individual concerns. Zachs v. Department of Public Utilities, 406 Mass. 217, 223-224, 228 (1989), citing Almeida Bus Lines, Inc. v. Department of Public Utilities, 348 Mass. 331, 344 (1965). The Department has interpreted public interest as a term of art synonymous with public convenience and necessity, and as a conclusory symbol for public benefit or good (id.). In discharging its responsibility to regulate in the public interest, the Department has noted the value of competition in conferring a public benefit (id.) .

#### IV. COMPANY'S PROPOSAL

DAY & KNIGHT TRANSPORTATION proposes to amend its scheduled hotel shuttle service between Logan and two hotels in the City of Cambridge, the Marriott Cambridge Hotel and Le Meridien Hotel, by adding six (6) additional hotel stops on two (2) routes. The amended shuttle service will operate seven days a week, from 6:00 a.m. to 1:00 a.m. or the time of the last flight. The route will be circular from Logan, to the Cambridge hotels, and back to the airport. This would include those routes under the jurisdiction of the MassPike and the DCR.

#### V. ANALYSIS AND FINDINGS

Mr. Lees testified that the Petitioner seeks to add the additional routes within the City of Cambridge, for the purposes of dropping off the passengers at the additional hotels. It was not for the purpose of picking passengers up at the Cambridge hotels and going into Logan (Tr. at 7) . Mr. Lees further testified that the Petitioner is already authorized by the

Department to pick up at these two hotels (Tr. at 8). See Day & Knight Transportation D.P.U. 08-RB-446 (2008).

Mr. Lees was under the impression that, whereas the Department originally acted as the licensing authority for the City of Cambridge in D.P.U. 08-RB-446, and issued the municipal street license, the Petitioner was not required to re-file its amended routes with the City Council (Tr. at 10). The Petitioner only filed with the City's Traffic Division. However, according to the City of Cambridge, the Petitioner is required to apply to its License Commission and get an approval of the route from the Traffic Department . The License Commission will then either approve or deny the license, and if it approves, then it goes to the City Council for final approval (Tr. at 17).

In determining the appropriateness of granting the amended Cambridge License and amending the CPCN, the Department considers whether the Company is fit, willing, and able to operate the proposed service properly. With respect to granting the amended Cambridge License and CPCN, the Department also considers whether the proposed service is in the public interest and whether public convenience and necessity require the proposed service.

After study of the evidence in this proceeding, the Department determines that the filing of the Petitioner's application for an amended route with Cambridge, within the meaning of "filing" outlined in G.L. c. 159A, § 1, did not satisfy the statutory requirements. Thus the Department concludes that the Petitioner's application before the Department is flawed and must be dismissed without prejudice.

The Department is concerned regarding the steps taken by the Petitioner in its application to the City of Cambridge; and this Department. Specifically, the Department believes the Petitioner did not properly submit its application to the City of Cambridge for the proper municipal street license, as required by G.L. c. 159A, § 1.

The Department recommends that the Petitioner re-file its application for an amended municipal street license with Cambridge for a full hearing before the Licensing Commission. Until such time as the City of Cambridge has utilized the proper 60 day opportunity offered under G.L. c. 159A, § 1 to review the filed application for an amended municipal street license, the Department restricts the Petitioner's right to travel through the City of Cambridge as part of its regular hotel shuttle service, to only those routes previously approved by the Department. If the City of Cambridge denies the municipal street license or fails to act within the 60 days, the Petitioner may re-file its appeal to the Department to act as the licensing authority for that municipality as provided for in G.L. c. 159A, §1.

VI. ORDER

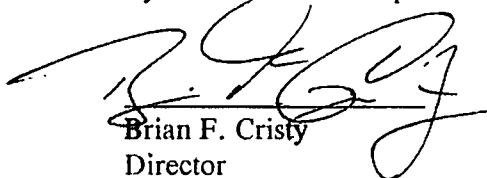
Accordingly, after due notice, hearing and consideration, and pursuant to the Order of Delegation in D.P.U. 94-154, in accordance with G.L. c. 25, § 10, it is

ORDERED: That the appeal of Ahmed Gouda d/b/a DAY & KNIGHT TRANSPORTATION, requesting that the Department act as the licensing authority and issue it a municipal street license for the City of Cambridge pursuant to the provisions of G.L. c. 159A, § 1, is DISMISSED WITHOUT PREJUDICE; and it is



**FURTHER ORDERED:** That the petition of Ahmed Gouda d/b/a DAY & KNIGHT TRANSPORTATION, requesting that the Department amend its certificate of public convenience and necessity, pursuant to G.L. c. 159A, § 7, for the operation of a hotel shuttle service over specified routes between Logan International Airport and the City of Cambridge, Massachusetts, including certain ways under the jurisdiction of the Department of Conservation and Recreation and the Massachusetts Turnpike Authority, is DISMISSED WITHOUT PREJUDICE.

By Order of the Transportation Oversight Division,



Brian F. Cristy  
Director

Any appeal from this decision must be filed with the Secretary of the Department within **TWENTY DAYS** from the date of this Order, specifying the reason for the appeal and accompanied by a \$100.00 filing fee. A copy of the appeal must be filed with the Director of the Transportation Oversight Division. Such appeal shall be heard on the record of the hearing before the Transportation Oversight Division.